

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

Crl. Misc. No. 14098-M of 2007

DATE OF DECISION : 08.03.2007

Satpal Singh

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Narinder Singh, Advocate,
for the petitioner.

Petitioner Satpal Singh has filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 61 dated 12.7.2006 under Section 15/61/85 of the NDPS Act, registered at Police Station Talwandi Sabo.

I have heard counsel for the petitioner and gone through the contents of the FIR as well as the order dated 3.2.2007, passed by Judge, Special Court, Bathinda, whereby bail application of the petitioner has been dismissed.

It is the case of the prosecution that on receiving secret information, when the raid was conducted by the police, the petitioner was alleged to have been found in possession of 110 Kgs. of poppy husk. His wife Gurmit Kaur was also arrested, because she was also found present in the house. However, she has been granted bail by this Court vide order dated December 14, 2006, passed in Crl. Misc. No. 74990-M of 2006.

Counsel for the petitioner contends that since the wife of petitioner has been granted bail, therefore, the petitioner is also entitled for the grant of bail. Wife of the petitioner has been granted bail on different consideration. As far as petitioner is concerned, he was arrested on the spot

and from his conscious possession, 110 Kgs. of poppy husk was allegedly recovered. Keeping in view the alleged recovery and the provision of Section 37 of the NDPS Act, I am not inclined to extend the benefit of regular bail to the petitioner on the aforesaid ground.

Dismissed.

However, keeping in view the custody period of the petitioner, the trial court is directed to expedite the trial.

March 08, 2007
ndj

(SATISH KUMAR MITTAL)
JUDGE